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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE DANA M. SABRAW)

UNITED STATES OF AMERICA,	)	Case No. 08CR1278-DMS
	)	
Plaintiff,	)	Date: May 30, 2008
	)	Time: 11:00 a.m
	)	
v.	)	NOTICE OF MOTIONS AND MOTIONS TO:
	)	1) COMPEL DISCOVERY;
	)	2) PRESERVE EVIDENCE;
	)	3) PRECLUDE THE GOVERNMENT FROM
	)	PROCEEDING UNDER AN AIDING AND
WILLIAM NAVARRO,	)	ABETTING THEORY
	)	4) SUPPRESS STATEMENTS;
Defendant.	)	5) DISMISS INDICTMENT DUE TO
	)	MISINSTRUCTION OF THE GRAND JURY;
	)	6) SUPPRESS EVIDENCE;
	)	7) GRANT LEAVE TO FILE FURTHER MOTIONS

**TO: KAREN P. HEWITT, UNITED STATES ATTORNEY**  
**CARLOS ARGUELLO, ASSISTANT UNITED STATES ATTORNEY**

**PLEASE TAKE NOTICE** that on May 30, 2008 at 11:00 a.m., or as soon thereafter as counsel may be heard, William Navarro, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

**MOTIONS**

William Navarro, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) Compel discovery;
- (2) Preserve evidence;
- (3) Preclude the government from proceeding under an aiding and abetting theory;
- (4) Suppress statements under the Fifth Amendment;
- (5) Dismiss the indictment due to misinstruction of the Grand Jury;
- (6) Suppress all evidence because it was obtained in violation of the Fourth Amendment; and
- (7) Grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

*/s/ Robert R. Henssler, Jr.*

Dated: May 16, 2008

**ROBERT R. HENSSLER JR.**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Navarro

**CERTIFICATE OF SERVICE**

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

**Carlos Arguello**  
U S Attorneys Office Southern District of California  
880 Front Street  
Room 6293  
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(619)557-5610  
Email: Carlos.Arguello2@usdoj.gov

Dated: May 16, 2008

/s/ Robert R. Henssler  
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